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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,283	06/27/2001	Paul England	MSFT-0263/148579.1	2143

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EXAMINER	
DERWICH, KRISTIN M	
ART UNIT	**PAPER NUMBER**
2132	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,283	ENGLAND ET AL.	
	Examiner	Art Unit	
	Kristin Derwich	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 30-38* is/are pending in the application.

4a) Of the above claim(s) *10-29 and 39-58* is/are withdrawn from consideration.

5)☒ Claim(s) *7 and 36* is/are allowed.

6)☒ Claim(s) *1-6,8,9,30-35,37 and 38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/22/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-9 and 30-38 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 and 30-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "presumably" in claim 1, line 4 and claim 30, line 6 is a subjective term which renders the claim indefinite. The term “presumably” is vague and indefinite because there is no way for one of ordinary skill in the art to ascertain whether the “requested slow down” is being initiated by a content thief or not.

5. The term "relatively large" in claim 7, line 3 and claim 36, line 3 is a relative term which renders the claim indefinite. The term "relatively large" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. As a result the amount of capacity in a processor that is reserved is unclear and one of ordinary skill in the art would not be able to ascertain how much was needed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6-1. Claims 1, 4, 5, 8, 9, 30, 33, 34, 37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki et al. (Sasaki), U.S. Patent No. 6,549,948 B1.

As per claim 1:

Sasaki discloses a method comprising the steps of:

Detecting a requested slow-down of the rendering of the content (item 107, figure 2; col. 5, lines 65-66; col. 19, lines 6-8);

In order to respond to the instructions given, they must be detected, thus, if a decrease in the frame rate is requested then this instruction would be detected and as a result the content would be rendered at a slower rate.

Responding to the detected requested slow-down (col. 6, lines 14-17 and 45-50).

As per claim 4:

Sasaki discloses a method wherein responding to a detected requested slow-down further comprises stopping rendering of the content (col. 8, lines 18-24).

Since the information processing apparatus displays the image, if the image is stopped from the information processing apparatus, then the rendering of the content has been stopped.

As per claim 5:

Sasaki discloses a method wherein responding to a requested slow-down further comprises slowing rendering of the content to a rate smaller than that of the requested slow-down (col. 9, lines 33-37).

When the transmitting side has more computing power than the receiving side, then it will be attempting to set the frame rate higher than that of the receiving computer. Therefore, if the receiving computer has less computing power, then the display frame rate is lower than that requested by the transmitting computer.

As per claim 8:

Sasaki discloses a method wherein detecting the slow-down of the content comprises noting a reduction in a rate of rendering of the content (col. 8, lines 11-17).

As per claim 9:

Sasaki discloses a method wherein detecting the slow-down of the content comprises noting requests for individual renderings of frames of the content (col. 16, lines 50-55).

As per claims 30, 33, 34, 37, and 38, this is a computer readable medium version of the claimed method discussed above, in claims 1, 4, 5, 8 and 9, wherein all claimed limitations have also been addressed and/or cited as set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2, 3, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (U.S. 6,549,948) as applied to claim 1 above and further in view of Bakoglu et al. (U.S. 5,632,681), hereafter referred to as Bakoglu.

As per claim 2:

Sasaki fails to teach ignoring requests for the slow-down of rendering as a response to the request. However, Bakoglu discloses a method where requests to play a game are not allowed, and hence ignored, if the user is not authorized to do so (col. 3, lines 38-41).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to ignore requests for a slow-down in rendering if the user were not authorized because this would have enhanced the security of the device.

As per claim 3:

Sasaki fails to teach ignoring requests for a slow-down in rendering after receiving a pre-determined number of such requests. However, Bakoglu discloses a method where a game is rented and the use is allowed to play it a certain number of times. The number of times is pre-determined and accounted for by a frame counter.

Once it reaches zero, than the game can no longer be played regardless of how many times the user attempts to start it again.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to ignore requests after a certain number because this would have allowed the user to rent out the invention while still maintaining control over its use.

As per claims 31 and 32, this is a computer readable medium version of the claimed method discussed above, in claims 2 and 3, wherein all claimed limitations have also been addressed and/or cited as set forth above.

8. Claim 6 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (U.S. 6,549,948) as applied to claim 1 above and further in view of Jenkins (U.S. 6,028,608).

Sasaki fails to teach degrading rendering of the content in response to a requested slow-down of the rendering of the digital content. However, Jenkins discloses a graphics architecture which, as a result of a decreasing frame rate that falls below a certain threshold, displays a catastrophic temporal fracture in the image stream severely degrading the rendering of the content (col. 6, lines 13-19).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to degrade the rendering after it fell below a certain threshold in order to enhance performance within a virtual environment system (col. 6 lines 20-23).

As per claims 35, this is a computer readable medium version of the claimed method discussed above, in claims 6, wherein all claimed limitations have also been addressed and/or cited as set forth above.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

A method of preventing theft of decompressed digital content as the content is being rendered, the method comprising detecting a requested slow-down of the rendering of the content.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Steven Meyer on Wednesday, February 9, 2005, a provisional election was made without traverse to prosecute the invention of Protecting Decrypted Compressed Content and Decrypted Decompressed Content at a Digital Rights Management Client, claims 1-9 and 30-38. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-29 and 39-58 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Allowable Subject Matter

9. Claims 7 and 36 allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristin Derwich
Examiner
Art Unit 2132

KD

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